

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 24, 2001

LB 172

of the issue. It became clear, as we considered the resolution, that we could not do it in that fashion, that we needed to have a substantive change in the law. At any rate, so we made a determination that we could not resolve this issue through a simple resolution, that we believed it was going to take a change in state law to authorize the Governor to negotiate an agreement. So that is what the amendment will do. The agreement has to be negotiated within constraints that are set out in the amendment. What we would require through the processes of the amendment is that the tax that would be collected by the tribe on sales at the reservation would be at a comparable rate to the state's sales tax, to the state's gas tax rate. We did not wish to have a differential between the two rates. Obviously, having any differential between the two rates would create a competitive advantage or disadvantage on one side or the other of the tribal boundaries. We did not wish to have that occur. The other provisions of the amendment that would have to be set out, of course, are its duration. There would necessarily have to be provisions for administration and collection. Those provisions, of course, could look very much like the existing gas tax provisions. If, for example, the state went through the collection process, that would be normal as we would go through the wholesaler processes. Anyway, I think we could make the whole system look a lot like, essentially like the gas tax system that we have now, and certainly would have to be that in terms of rate, and we would then be able to go forward and reach agreement on a division of the proceeds. That would be an essential component of the agreement. But before you jump to a conclusion that we would be giving away a great deal, remember that we are likely in a situation where if we do not reach an agreement that we wouldn't collect anything. So any agreement that allowed us to collect any portion of the revenues would be to the benefit of the state of Nebraska. I think those are the essential components of the amendment. I apologize for rushing in here and, Senator Janssen, thank you for taking up the...taking up the responsibilities until I arrived. If after this kind of presentation you have questions, I wouldn't blame you and I'll be happy to try to respond.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. Senator